

# DEPARTMENT OF COMMERCE

Address:	COMMISSIONER OF PATENTS AND	
	Washington, D.C. 20231	SR.
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APPLICATION NO.	FILING DATE	FIRST NAMED II	VENTOR		ATT	ORNEY DOCKET NO.
19/538,584	03/29/00	COGSWELL		D	634	
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		QM12/0130	•			
AW OFFICES O	F JOHN D GI	JGLIOTTA PE ESQ		THOM	AS.D	
02 DELAWARE 1	BUILDING			Al	RT UNIT	PAPER NUMBER
37 SOUTH MAI	N STREET					#5
KRON OH 4430	8			3723		<b>410</b>
				DATE	MAILED:	
					01/3	30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

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		Application No.	Applicant(s)						
شة	Office Action Summary	09/538,584	COGSWELL, DANIEL						
	Office Action Cummary	Examiner	Art Unit						
		David B. Thomas	3723						
	The MAILING DATE of this communication appe	ears on the cover sheet with the co	orrespondence ac	idress					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status									
1)⊠	Responsive to communication(s) filed on <u>04 L</u>	December 2000 .							
2a)⊠	This action is <b>FINAL</b> . 2b) Th	is action is non-final.							
3)□									
Dispositi	ion of Claims								
-	Claim(s) <u>1-6</u> is/are pending in the application.								
4a) Of the above claim(s) is/are withdrawn from consideration.									
5)	5) Claim(s) is/are allowed.								
6)⊠	Claim(s) <u>1-6</u> is/are rejected.								
7)									
8)	Claims are subject to restriction and/or	r election requirement.							
Applicati	ion Papers								
9)	The specification is objected to by the Examine	er.							
10)	The drawing(s) filed on is/are objected t	o by the Examiner.							
11)	11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved.								
12)	12) The oath or declaration is objected to by the Examiner.								
Priority ι	under 35 U.S.C. <b>\$</b> 119								
13)	Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C. 🕻 119(a	a)-(d) or (f).						
a)									
1. Certified copies of the priority documents have been received.									
2. Certified copies of the priority documents have been received in Application No									
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.									
14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).									
Attachmont/o\									
Attachmen		18) 🔲 Interview Summa	ary (PTO-413) Paper	No(s)					
16) 🔲 Not	tice of References Cited (PTO-892) tice of Draftsperson's Patent Drawing Review (PTO-948) ormation Disclosure Statement(s) (PTO-1449) Paper No(s)	19) Notice of Informa	Il Patent Application						

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#### **DETAILED ACTION**

### **Drawings**

- 1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show channel 15b, the rear disc 17 and handgrip 20 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.
- 2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rear disc and the handgrip must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

## Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 5. Claim 1 recites limitations for an apparatus having four elements, however according to the drawings, there are only two elements. Furthermore, the Applicants states that the front disc is attached to the first end in a perpendicular fashion, but review of the drawing figures would suggest that the disc is axially aligned with the elongate rod and subsequently the disc would be attached in parallel or co-linearly. Appropriate clarification and correction is required.

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- 6. Claim 2 recites the limitation "at the center of said disks" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.
- 7. Claims 3-6 are generally narrative and indefinite, failing to conform to current U.S. practice.
- 8. Normally claims which fail to comply with the first and/or second paragraph of 35 USC 112, will not be analyzed with respect to patentability over the prior art since such analysis would, of necessity, require speculation with regard to the metes and bounds of the claimed subject matter. *In re Steele*, 308 F.2d 859, 862-63, 134 USPQ 292, (CCPA 1962) and *In re Wilson*, 424 F.2d 1382, 1385, 496 USPQ 494, 496 (CCPA 1970).

### Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (703) 308-4250. The examiner can normally be reached on 8:00-6:30 M-TH.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

D157

January 26, 2001

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